

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09cv324**

<b>HIGH GEAR USA, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>TIMOTHY MORGAN; and</b>	)	
<b>INTERNATIONAL SOURCING</b>	)	
<b>GROUP, LTD.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court on the defendants' Motion to Dismiss, or in the Alternative, for Change of Venue (#3). On September 23, 2009, the parties filed a joint Motion for Extension of Time to File a Reply to such motion, stating that the parties were engaged in productive settlement discussions. The court allowed the proposed extension to October 9, 2009; however, no reply was filed and no effort was made to communicate that settlement had been reached, that an *impasse* had been reached, or that additional time was needed to reply. Counsel for the respective parties are advised that the court pays close attention to pending motions and deadlines and expects the same from counsel.

## ORDER

**IT IS, THEREFORE, ORDERED** that counsel for the respective parties report on the status of this action, as well as the reason for letting such deadline pass, not later than the close of business on Friday, October 16, 2009. Failure to do so will result in a recommendation that the pending motion be summarily dismissed as abandoned.

Signed: October 13, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

